

The Salisbury Planning Board held its regular meeting on Tuesday, December 9, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Len Clark, Sean Reid, Jerry Wilkes, Rodney Queen, Mitzi Clement,
Lou Manning, Fred Dula, Sandy Reitz, Brian Miller, Eldridge Williams,
Ken Mowery, Jeff Smith

ABSENT: None

STAFF: Harold Poole, Dan Mikkelson, Janet Gapen, Patrick Ritchie, David Phillips,
Joe Morris, Lynn Raker, Tammy File

The meeting was called to order by Chairman Dula. The minutes of November 25, 2003, were approved as published.

ZONING MAP AMENDMENTS

Z-18-03 City of Salisbury
Location: 130 East Liberty Street
Size: Approximately 45, 000 square feet
Existing Zoning: B-6 General Business District
Proposed Zoning: B-5 Central Business District

(a) Chairman Dula convened a courtesy hearing on Z-18-03

Senior Planner Harold Poole gave the presentation and explained that the Salisbury Police Station lies on five parcels and the area contains approximately 45,000 square feet. The Police Dept. was relocated to its current site in 1976. The reason for the requested rezoning is for an expansion of the Police Station to allow building closer to the street.

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request: None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen said he didn't think there was a lot to discuss about this, he guessed they could talk about the positive impact that this could have on the city, based on that he made the motion that we approved as submitted. Lou Manning seconded the motion with all members voting AYE.

Z-19S -03 John W. Knox

Location: 101 Ashbrook Road

Size: Approximately 31,900 square feet

Existing Zoning: R-20 Single Family-20 Residential District

Proposed Zoning: BRT-S Special Retail Trade Business District

(a) Chairman Dula convened a courtesy hearing on Z-19S-03

Senior Planner Harold Poole made the presentation on the zoning request, he explained that the property proposed for rezoning consists of one lot located at the intersection of Statesville Blvd./Hwy.70 and Ashbrook Road. The applicant currently owns the restaurant, Hendrix Barbeque, adjacent to the above lot. Based on the final plans for the Statesville Blvd./Hwy 70 NCDOT project, the applicant is losing a large percentage of his current customer parking. The applicant is requesting this change to add parking that is being lost.

Those speaking in favor of the zoning change request:

Jay Dees, Ketner & Associates, 121 E. Kerr Street, representing Hendrix Barbeque who has an option to purchase this property from Mr. Knox. Jay met with the neighborhood association. The neighborhood is comfortable with the concept of a parking lot but they do not want a driveway to Ashbrook Road. Since there are some issues that need to be worked out with the neighborhood and his client, he would suggest that this be sent to a committee to work this out.

Those speaking in opposition to the zoning change request:

Jimmy Greene, 404 Willow Road, current President of Westcliff civic association, the association that represents the neighborhood of Westcliff which is a well established neighborhood that has been in exist for over 25-30 years. We confronted annexation before but we are newly christened to city living so we are relying heavily on the wisdom and insight of the Planning Board for a zoning issue. After much discussion with the neighborhood, Mr. Dees and Mr. Garris (one of the owners of Hendrix Barbeque) to answer some questions and discuss the details of the proposal. The neighborhood decided thru a majority vote that they would approve the parking lot but could not approve the entrance and exit to Ashbrook Road which is their main entrance to Westcliff. They feel that a parking lot with a entrance and exit onto Ashbrook Road would increase unsupervised traffic in their neighborhood which is already rich with children, jogging and a lot of foot traffic. With that being said we as a neighborhood, will have to respectfully oppose the proposed zoning request before the Planning Board today.

Chairman Dula told the Board that he had a total of five letters or emails that were supporting the Westcliff neighborhood in opposing the zoning request. Chairman Dula then asked those in favor to stand which was four and those opposed to stand which was eleven.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid- He thinks the biggest issue is the access to Ashbrook Road. He doesn't don't think there is a big issue of BRT-S uses, he thinks the issue is the access and actually he likes the BRT-S as long as they put site plan review on that S and let the neighbors come in and decide the way that area should be designed. That way the Planning Board gets to go back and look at this, as well as City Council and gives the neighborhood input on the parking lot. Sean made a motion to send this to a committee for further study, Lou Manning seconded the motion with all members voting AYE.

GROUP DEVELOPMENT

G-12-03 Mt. Zion Baptist Church- 1920 Shirley Avenue

David Phillips gave the presentation on G-12-03 Mt. Zion Baptist Church and explained that Matthew Robertson, submitted the application for the construction of a 10,679 square foot church and parking lot to be located at 1920 Shirley Avenue. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, noting the following recommendations:

1. There are three separate zoning classifications located on the proposed site for the church. Staff review was completed taking into account the existing zoning. Staff recommends that the site be rezoned to R-8. All regulations including signage and landscaping may change depending on whether or not the property is rezoned.
2. Staff recommends that additional landscaping be added along the eastern and southern property lines to add a buffer for the adjacent residential zoning. It is the intent of the ordinance to separate non-residential uses from residential uses. In this case, there will be a minimum eight foot planting strip recommended.

Those speaking in favor of the group development:

Rev. Nilous Avery, 110 N. Deerfield Circle- Just wanted to present Matthew Robertson who is our consultant from Cogun Industries Inc. who is doing the site development there.

Matthew Robertson, with Cogun, Inc., 10801 Johnson Road, Charlotte- here on behalf of Mt. Zion Baptist Church. Several comments and desires for landscaping on the along the northern and western property lines as well as along the eastern and northern property lines. Along the northern property lines there is different sizes of trees which there are areas there are areas 8-30 feet that will be undisturbed. On the western property line there is a wetland which will be undisturbed, would actually have to cut trees down to plant trees to create a buffer in that area. Along the eastern area we would ask that the church would not have to put landscaping there because the R-8 would coincide with the R-8 that is already there. Along the southern property line the church is in process of buying that property so they would be putting a buffer along property they already own. Our desire to not have to put any landscaping at all along the church because it is already so heavily wooded.

Those speaking in opposition of the group development:
None.

Board Discussion:

Ken Mowery- how would you handle rezoning ?

Senior Planner Harold Poole explained that it would have to be a separate issue.

Sean Reid- I would hope the Planning Board would help out with the rezoning so that the church doesn't have that. Sean Reid made a motion that the Planning Board make a study to rezone the whole area to a uniform classification, Brian Miller seconded the motion with all members voting AYE.

Brian Miller made the motion to approve the site plan as submitted and ask that they make the delineation for the buffer on the eastern boundary, Ken Mowery seconded the motion with all members voting AYE.

PRELIMINARY PLAT SUBDIVISIONS

Staff Engineer, Patrick Ritchie made a presentation on the preliminary plat for Stone Ridge Phase 2 which was approved by Planning Board on September 23, 2003 with modification of standards allowing the distance between intersections to exceed 800 feet. The developer has now submitted a revised plat requesting construction in 2 phases. The revised plat was reviewed by the Technical Review Committee which had the following comments and recommendations which are being presented to the Planning Board.

If construction of any subdivision is designed to proceed in phases, each phase must function as a complete development until such a time as subsequent phases are constructed. In reviewing the proposed phase line for Stone Ridge, the TRC identified the following items:

- (1) Water mains for Phase 2 would not provide a looped system as desired and would likely have fire flows below the minimum required due to the dead end lines. Calculations showing acceptable levels for fire flows would be required prior to approval of the engineering designs.
- (2) Phase 2 would result in temporary dead end streets. The longest of these would be approximately 1000 feet, which exceeds the maximum of 600 feet allowed by the Subdivision Ordinance. Temporary cul-de-sacs would be required at the end of each dead end for fire truck accessibility. If allowed, this alignment would require relief from Section 5.02.12 of the Subdivision Ordinance for maximum length of cul-de-sacs.
- (3) Phase 2 would not provide interconnectivity to Olde Salisbury in accordance with Policy S-12 of the Salisbury Vision 2020 Comprehensive Plan. This particular connection was promised when modifications of standards was negotiated for the Stone Ridge Phase 2 preliminary plat.

- (4) In conversation, the developer identified the expense of crossing the creek as one reason for asking for phased construction. The phasing as proposed would result in no crossings during Phase 2. However, this would require two crossings during Phase 2, making the average cost per lot in Phase 2 more expensive and less desirable to complete in the future.

Further, the TRC recommended a modification in the phase line, which would show approximately the same number of lots, while accomplishing the following:

- (a) The water lines would be looped through to Olde Salisbury, Phase 3, providing a more balanced system and eliminating the long dead end. Dead-end water lines contribute to water quality problems and frequently have difficulty meeting fire flow requirements.
- (b) The dead end streets for Phase 2 could be less than 600 feet and conform to city standards. Depending on the actual lengths of the dead ends, temporary cul-de-sacs may not be necessary- therefore, it may not be necessary to receive any modification of standards.
- (c) The interconnectivity to Olde Salisbury would be installed as promised, allowing two means of ingress and egress from each development.
- (d) The expense of the creek crossings would be equally distributed between the phases, making Phase 2 more economically viable.

Planning Board Options

Based on the information above, it appears that there were three options the Planning Board could take:

- (1) The Planning Board may deny the request for a revision to the preliminary Plat. By doing this, the current approved preliminary plat for Phase 2, which was granted on September 23, 2003, and the relief from standards which was granted, would remain valid for two years from the date of the original approval.
- (2) The Planning Board may approve the revisions to the preliminary plat for Phase 2, as submitted by the developer. Relief will be required for Section 5.02.12 of the Subdivision Ordinance, allowing the length of the cul-de-sac to exceed 600 feet for the time prior to completion of Phase 2. In addition, relief will be required from Section 5.01.11 of the Subdivision Ordinance allowing the distance between intersections to exceed 800 feet when Phase 2 is completed. The revised plat will be valid for two years from the date of approval of the revision.
- (2) The Planning Board may approve a revision to the preliminary plat with an alternate phase line. Relief will be required from Section 5.02.11 of the Subdivision Ordinance allowing the distance between intersections to exceed 800 feet when Phase 2 is completed. If the alternate phase line is that recommended by the TRC, no additional relief from standards will be Necessary. The revised plat will be valid for two years from the date of approval of the revision.

Glenn Ketner, attorney for Jim Burgess (the developer) – addressed staff’s memo, advocating that his client should be able to subdivide in the manner proposed.

Rodney Queen- (who removed himself from the Board)- as developer of Olde Salisbury, is getting ready to start Phase 3. Approval of Phase 2 in not following Salisbury 2020 Plan on connectivity. As a developer, can go either way, connection or not connection.

Ken Mowery- Agrees with Ketner that city shouldn’t try to dictate business decisions to developers. Thinks a temporary cul-de-sac would be OK.

Jerry Wilkes- Agrees with Ken. Is comfortable with phased proposal.

Brian Miller- In support of the developer. Developer has a vested interest in Phase 2 due to interest payments.

Sean Reid- Agrees with the developer.

Jeff Smith- Happy with plan approved by Planning Board in September. We can’t guarantee Phase 2 is going to happen.

Brian Miller made the motion to approve the preliminary plat subdivision S-5-03, with Phase 2 as proposed by the developer, Jerry Wilkes seconded the motion with all members voting AYE.

Jeff Smith made the motion to grant the relief of modification of standards (Section 5.02.12 of the Subdivision Ordinance) pertaining to maximum length of cul-de-sacs, Brian Miller seconded the motion with all members voting AYE.

Therefore, Planning Board’s approval results in the approval of Option 2 (out of the 3 options) which had been presented to them.

COMMITTEE REPORTS

Jeff Smith gave the committee report from the Open Space Committee, which met Tuesday, December 2, at 8:00 a.m., at Rowan Hospital Cafeteria. Discussion highlights included what open space standards should be, as well as any “tradeoffs” (such as increased density) that could be tied in with open space requirements. The Committee discussed the Mooresville Ordinance, which was prepared by the Lawrence Group, the same Group that is our consultant for our Development Ordinance.

It was decided at our next meeting to review some standards from other North Carolina cities, and look more closely at the Mooresville Ordinance.

In addition to committee members and staff, Kenny Roberts from the Recreation Dept. was present. There have been Recreation Dept. representatives (usually Gail Elder-White) at all of the committee meetings held thus far. This is an example of more than one city department working together to produce the best ordinance.

The Special Committee which is focusing in on Freirich Foods, along the north side of the railroad tracks and adjacent to the Jersey City neighborhood. Harold had talked earlier in the year with Mr. Freirich who appeared willing to consider the rezoning of his property from M-2 to M-1-S, with one of the special uses “meat packing plants,” which is his current business. That would not create nonconformity while protecting the property and neighborhood from other M-2 uses (like an asphalt plant) that have not shown themselves to be good neighbors in other neighborhoods around the city.

The question would be whether to include any “conditions” on the M-1-S application. One of the Jersey City neighbors, Nora Faucette, has complained of odors coming from the plant. Odor is difficult to measure, however. Many other neighbors have not expressed concern over odors.

The Board decided rather than to have an application filled out that may not have any “conditions” listed to have a meeting with the Jersey City neighbors to find out if there are any problems and, if so, the extent of those problems. That kind of mini-hearing is tentatively scheduled for, the next Planning Board meeting (January 13), though it might be delayed two weeks if there appears to be too many other agenda items which take considerable time.

Committee 3 met to discuss the issue that Jeff Smith brought up several months ago. It had to do with sign faces being allowed to be replaced in the Burger King sign on East Innes Street.

Zoning Administrator David Phillips explained he was allowing for the replacement due to his interpretation of paragraph 2 of Section 9.10 of the Subdivision Ordinance, along with a similar case that went before the Zoning Board of Adjustment in 1989. That had to do with sign face replacements for Hardee’s on East Innes Street, following Hurricane Hugo.

The committee recommended that there be no change in the Ordinance, but that sign permits have an expiration date whenever there’s an amortization period in effect. Planning Board agreed.

Committee 2 met to discuss Zoning Text Amendment to add the use “paintball facilities. Developer Larry Arnold was present at the last meeting, asking if the Zoning Ordinance could be amended to add “paintball facilities.” Planning Board discussed the matter briefly, and then sent it to committee. Larry Arnold was invited to the committee meeting, and his additional input was valuable in the committee’s discussion.

Apparently, there are “indoor” paintball facilities and “outdoor” facilities. Rowan County has several of the outdoor types. Mr. Arnold said what he was looking for was an indoor/outdoor facility, with the property he had in mind only about (4) acres in size. He identified it as the old Moore’s building along Klumac Road and Interstate 85. The zoning on that property in M-1 Light Industrial. Mr. Arnold described his proposed facility as one that would have 30-foot mesh fencing- at least toward I-85.

Staff wants to look at other ordinances. Charlotte has an ordinance that separates indoor from outdoor recreational facilities. Mr. Arnold also says that Charlotte has a similar facility to what he wants to build. Staff would like to talk with either the Charlotte planners or zoning officials about what is in Charlotte, as well as appropriate zoning and performance standards.

Some committee members expressed reluctance at the location Mr. Arnold has in mind. It was described as a gateway area into the city, with the Jake Alexander Blvd. exit being nearby. The general feeling so far is that indoor facilities may be acceptable in some districts, but indoor/outdoor facilities may be more difficult to approve. Brian Miller stated this at the Board meeting.

The committee set up a second meeting on Friday, December 19, at 8:00 a.m. in the Hospital Cafeteria.

ETHICS in the Planning Board's Rules of Procedure

A couple months ago Planning Board received a presentation from Carol Rhea, a consultant who outlined the APA (American Planning Association) suggested Ethical Principles for Planning Boards. Staff took those recommendations and incorporated those ethics into the Board's Rules of Procedure.

There were some as to the wording and actual meaning of some of the ethics, so to achieve greater clarification, the Board set up a committee for further study. It set up a special committee to be composed of Sandy Reitz (chair), Brian Miller, Len Clark, Ken Mowery, and Jeff Smith. It is hopeful that the committee can schedule a meeting after the first of the year.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary